

RAYMOND C. CABALLERO
MAYOR



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
JULY 16, 2002
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Luis G. Sariñana and Anthony Cobos. Late arrival: Paul Joseph Escobar. Absent: None. Meeting was called to order and the invocation was given by Representative Cook, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

Mayor's Presentations:

1. Plant-A-Tree
2. Initiation of the Buddy System

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No action was taken regarding the report from Mr. Edmund Archuleta, Water Utilities General Manager (PSB).

Mr. Archuleta provided Council Members a PowerPoint presentation regarding the PSB's proposed land management policies and procedures, in addition to providing an executive summary of the Public Service Board (PSB). Following the presentation Mr. Archuleta fielded questions and provided comments. Copy of the presentation is filed in the City Clerk's Office.

Representative Sumrall noted that the acreage for the Westside park had been approved by the voters through the Quality of Life Bond project voting.

Mayor Raymond C. Caballero thanked Mr. Archuleta for his presentation and explained that the El Paso community had demanded intelligent growth and planning. He stated he was pleased to see the relationships develop between the PSB, the Planning Department, schools and other entities affected by the growth and growth patterns.

Representative Sumrall voiced her concerns with the PSB competing with private developers and alluded to Mr. Archuleta's comment, during his presentation, regarding the PSB as "Master Developer" concerning future land management plans. She reiterated that the PSB retains the water rights subsequent to selling PSB property. She questioned Mr. Archuleta as to what entity would approve the PSB's final recommendations. Representative Sumrall questioned Mr. Robert Andron, General Counsel for the Public Service Board, whether or not it was legal for an entity to sell property based on how the land was to be used.

Mr. Archuleta responded he did not recommend nor did he believe that the PSB Board was trying to compete with the private sector. Mr. Archuleta responded that the PSB Board would be the entity deciding the policies and procedures; however, the policies and procedures could be presented before Council Members if the Mayor so decided.

Mr. Andron responded that during the last Legislative session, criteria were rewritten regarding "Best Bids" and "Best Value Bids" and notably when the PSB proposes to sell property, criterion factors may be placed on the proposal. He added that the proposal would then be evaluated and awarded based on those factors.

Representative Cook corrected Mr. Archuleta regarding comments made during his presentation. He explained that in 1952 City Council action secured land in the name of the City, deeded to the City, not the Public Service Board nor El Paso Water Utilities. He stated that the PSB's duties were to ensure that the land was in surplus of the needs of the system. He defined the system as water and sewer utilities for the community. He suggested that the Planning Department coordinate with the PSB, School Districts and other taxing entities to ensure that there was intelligent growth in the City.

Mr. Archuleta responded that the land, secured in 1952, was owned by the City; however, held in trust by the PSB. He noted that the PSB was trying to look after the best interests of the City in regard to land and water issues.

Representative Power noted that under the auspices of guarding and protecting the water supply, in addition to proper land management uses, PSB had expanded its authority into unwarranted areas. He questioned whether the developers, realtors and/or builders were given an opportunity to add input into the PSB's Policies and Procedures. He stated he was in favor of a "Master Plan"; however, the plan should not be initiated by the PSB. He asked that the "Master Plan" be initiated by the Planning Department, in consult with the PSB. He discussed how the sale of PSB land affects the cost of housing and asked that the PSB hold public meetings prior to the City Council approving the PSB's Policies and Procedures.

Mr. Archuleta responded that the Mayor represents Council Members on the PSB Board. He stated that the price of houses would not change due to the PSB selling some of its land. He noted that the PSB was trying to do a better, quicker job of "Master Planning" the City.

Representative Escobar stated he was in favor of and in support of the "Master Plan" as it would treat all people in the same manner regarding the sale and development of PSB property.

Mr. Archuleta responded that following the approval of the re-organizational plan and subsequent naming of the new Economic Development Director, he would work closely with the administration to ensure all were in harmony with the Water Utility.

Representative Sariñana asked for a copy of the PSB presentation and questioned how much land was owned by the PSB. He stated that, in his opinion, the City should rebid the Bond Indentures.

Mr. Archuleta responded 27,000 acres. He added that Bond Counsel was investigating whether or not it was prudent to rebid/reissue the bonds; however, it may cost the taxpayers a significant amount of money to refund those bonds.

Representative Cobos stated he was in favor of "smart, planned growth"; however, he was unsure of the PSB's role as a land developer. He added he hoped that the City Council would have a role in the PSB's Policy and Procedures. He questioned the PSB's role in the City's 2025 Comprehensive Plan.

Mr. Archuleta responded that the 2025 Comprehensive Plan was part of what the PSB reviewed and followed in the development of the "Master Plan" and the PSB would be enacting a "subset" of the Master Plan as policy. He stated that if the City would spend more money on drainage and grading plans and fully explain each zoning in detail, for example locating the schools, libraries, fire stations, etc., so much so that the "Plan" would be binding and not be changed, the end result would be an improved City of El Paso.

Representative Cobos added that Council Members were in favor of smart, planned growth.

Representative Medina commented on the PSB's understanding and acknowledgment of what the City must do for the betterment of all its citizens, not for only a select few individuals and corporations. He stated that developers and/or their representatives have had "control" of the PSB for a very long time; however, this Council administration would be making positive changes for the future. He stated he was in favor of the PSB's "Master Plan". He mentioned how much growth the east side of El Paso had encompassed and the haphazard way in which the growth had taken place. He commented on the neighborhood-by-neighborhood revitalization to include brownfield redevelopment, infield development, etc. which would be included in the PSB's Master Plan.

Mayor Raymond C. Caballero commented on mountain development and its lasting effects on the City of El Paso. He noted that Mr. Archuleta's presentation discussed a "balanced" development plan, of which the City's Planning Department would be doing the actual planning, in consultation with other organizations and entities, not the Public Service Board. He noted that the Mayor Pro Tem, Representative Medina, would be holding meetings to discuss annexation and infill and other related land use issues. He stated that deep discussions should be held regarding the PSB, land use, mountain development, etc. In his opinion, the PSB was the "steward of the land" and added that the City owns property of which the City was the steward and administrator of said property. He commented on the bidding process by which the PSB sells its lands, builders vs. developers, land costs vs. interest costs. He explained that the PSB would now be opening up the possibility of competition and that is where the discomfort is. He asked that the Mayor Pro Tem hold Public Meetings to further discuss the ways in which the PSB sells land and other important topics of interest.

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Motion made by Representative Medina, seconded by Representative Sariñana, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved under Consent Agenda will be shown with an asterisk {*}).

Representative Sumrall was not present for the vote.

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*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of April 16, 2002.

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Assignment of Lease between the City of El Paso (Lessor), Loretta G. Aguilar (Assignor) and KAMS Partners, LP (Assignee), together with related documents, for the following property: Lot 13 and the Westerly 54.99 feet of Lot 14, Block 5, El Paso International Airport Tracts, Unit 3, City of El Paso, El Paso County, Texas, municipally known and numbered as 6621 Montana.

Representative Medina questioned the location of the property.

Ms. Sylvia Borunda-Firth, Assistant City Attorney, responded the property was the "donut shop" on Montana and added the location was part of the Airport properties.

Representative Medina questioned if it were possible for the City to sell the Airport property located at Butterfield Trail.

Ms. Borunda-Firth responded that those properties were given to the City in differing manners with Deed restrictions as to how the land would be used. She added most of the property was granted by the Federal government, to be utilized for Airport purposes.

Representative Medina questioned whether land belonging to the Airport had been sold in the recent past.

Ms. Borunda-Firth was not aware of any such sale.

Mr. Charlie McNabb, Chief Administrative Officer, explained that the Airport previously owned the property on which Cielo Vista Mall is currently located, in addition to other properties located on Montana Avenue. He explained that the Airport acquired the Butterfield Trail property from the Federal government under the "Surplus Property Act of 1944", and that the City would need the government's approval to sell such property. He mentioned that the City should use caution and carefully consider all aspects when selling City owned property.

Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

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*Motion made, seconded and unanimously carried to postpone one (1) week the Resolution that the Mayor be authorized to sign an Amendment to Lease between the City of El Paso (Lessor) and Travelex America, Inc. (Concessionaire) together with related documents, for the Business Center Concession located at the El Paso International Airport terminal building.
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City of El Paso, be authorized to sign the attached Release of Lien on the property (Legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this condemnation lien: (Release of Lien on file in the City Clerk's office)

	<u>Lien Amount</u>
1043 North Zaragosa Road	\$2,235.67

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Professional Services Agreement between the City of El Paso and Pinnacle Consulting Management Group, Inc. to provide right of way acquisition services for the TIP-Roadway Construction Project (Lee Boulevard).

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor is hereby authorized to sign a certification of lands and authorization for entry for the El Paso Southeast Area Flood Control Project, Lomaland Basin, Phase IV-A, El Paso, El Paso County, Texas.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Fiscal Year 2001 Emergency Shelter Grant (ESG) Contract between the City of El Paso and the El Paso Community Mental Health & Mental Retardation Center (formerly known as Life Management Center). The Amendment will allow for a transfer of \$3,932.84 between budget line items to necessitate the timely expenditure of grant funds. The Contract amount of \$25,465 and the Contract termination date of August 31, 2002 remain unchanged.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of THIRTEEN THOUSAND NINE HUNDRED AND NO/100THS DOLLARS (\$ 13,900.00 - \$13,204 loan/\$696 grant) against the following described real property:

Lots 19, 20 and 21, Block 2, TRACT NO. 2 OF HOME IMPROVEMENT CO. SUBDIVISION, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 13, Page 11, Plat Records of El Paso County, Texas; also known and numbered as 9017 Mt. Carmel Avenue, El Paso, Texas 79907.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of ONE DOLLAR AND 77/100THS DOLLARS (\$1.77).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a letter expressing support of Project Vida Community Development Corporation's application to the State Board of Education for approval to operate an open enrollment charter school in El Paso, that will focus on Central El Paso area students, ages 16 to 21, who have dropped out or at risk of dropping out of public schools. The location of the proposed charter school has not been determined.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to sign the loan agreement for the exhibition *Emmet Gowin: Changing the Earth*, on behalf of the City of El Paso:

The exhibition was organized by the Yale University Art Gallery. The cost to the City of El Paso will be \$8,500.00 for rental of the exhibition and an estimated cost of \$4,000.00 for insurance and transportation.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in fiscal year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

CAROLINA RECREATION CENTER

DEPARTMENT ID: 51510073, ACCOUNT: 502214

1. **CONTRACTOR:** Ricardo Lerma, Boxing Skills Instruction
 DATES: August 1, 2002, thru August 31, 2002
 RATE PER CL: \$8.80
 MAXIMUM AMT: \$220.00
 CONTRACT: 2001/2002-193

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in fiscal year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

CAROLINA RECREATION CENTER

DEPARTMENT ID: 51510073, ACCOUNT 501011

1. **CONTRACTOR:** Margie Landavazo, Preschool Instructor, Step 5
 DATES: August 15, 2002, thru August 30, 2002
 RATE PER HR: \$7.45
 CONTRACT NO: 2001/2002-363

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*Motion made, seconded and unanimously carried to postpone one (1) week the Resolution that the Mayor be authorized to sign a Protocol Partner Agreement with the University of Texas (UTEP) and the City of El Paso Parks & Recreation Department – Nolan Richardson Community Center to participate as a Program Partner of Paso Del Norte Assets for Youth/Americorp, an affiliated program of the Corporation for National Service and the Texas Commission on Volunteerism Service. The terms and conditions of service defined in this agreement have been designed to conform to the regulations and guidelines established by the Corporation for National Service. No Cost to the City.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign Contract Amendments between the **CITY OF EL PASO** and **VIRGINIA C. YEATMAN** to add a provision to her contract which will allow her to participate in the City's tuition reimbursement program.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ROBERT WATKINS, AMIGOS LIBRARY SERVICES**, to conduct a workshop entitled "The Soul of the Librarianship in the Age of Computers" on Friday, July 19, 2002, at the El Paso Museum of Art. The Contractor shall be paid \$800.00 for the workshop, airfare not to exceed \$400.00, lodging and miscellaneous not to exceed \$100. The total amount of the contract shall not exceed \$1,300.00.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **BOB BURNS, BOOTS AND BEANS**, to provide entertainment as part of the El Paso Public Library's Summer Reading Club Program by playing and singing folk songs at the Westside Library on Saturday, July 20, 2002, from 3:00 p.m. to 4:00 p.m. The total amount of the contract shall not exceed \$150.00.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with **STEWART TITLE OF EL PASO** to lease the company Four (4) 8 Gallon Baskets for a service fee of \$5.00 each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with **SOUTHWEST GENERAL AGENCY, INC.** to lease the company One (1) 32 Gallon Container for a service fee of \$5.00 each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

*Motion made, seconded and unanimously carried to approve the request to fill the position(s) on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Shuttle Bus Operator (1)

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Police

Add	1.0	Police Records Specialist II	GS13
Delete	1.0	Police Records Specialist I	GS11
Add	1.0	Police Records Specialist III	GS15
Delete	1.0	Police Word Processor Operator	GS15

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Public Works

Delete	1.0	Engineering Tech III	GS24
Add	1.0	Architect Intern	PM75

.....
 *Motion made, seconded and unanimously carried to approve the Staffing Table Change for Solid Waste Management

Add	1.0	Landfill Equipment Operator	GS17
Delete	1.0	Equipment Operator III	GS17

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 Motion made, seconded and unanimously carried to approve the Staffing Table Change for Health

Add	1.34	Health Education Specialist	PM70
Add	.06	Health Education Specialist	PM70
Add	.60	Health Education Specialist	PM70
Add	.67	Nutritionist	PM74
Add	.03	Nutritionist	PM74
Add	.60	Nutritionist	PM74
Add	1.34	WIC Services Manager	PM76
Add	.06	WIC Services Manager	PM76
Add	.60	WIC Services Manager	PM76
Delete	.67	Clerk II	GS09
Delete	.03	Clerk II	GS09
Delete	.30	Clerk II	GS09
Delete	2.01	Clinical Clerk	GS14
Delete	.09	Clinical Clerk	GS14
Delete	.90	Clinical Clerk	GS14
Delete	2.01	Competent Professional Authority	PM72
Delete	.09	Competent Professional Authority	PM72
Delete	.90	Competent Professional Authority	PM72

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 *Motion made, seconded and unanimously carried to re-appoint Dr. Anthony Herbst to the Public Utility Regulation Board by Representative Sumrall.

*Motion made, seconded and unanimously carried to re-appoint Conrad P. Ramirez to the RSVP Advisory Council by Representative Escobar.

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*Motion made, seconded and unanimously carried to appoint Rebecca C. Downey to the Greater El Paso Civic, Convention, and Tourism Advisory Board by Representative Sumrall.

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*Motion made, seconded and unanimously carried to approve installation, power, and maintenance of residential streetlight at the following location:

Behind 2731 Taylor; alley off Elm between Fillmore and Taylor. Cost: \$464.00.

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*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Northeast Taff Corp., in the amount of \$1,439.98; overpayment of 2001 taxes.
(PID #2001-999-0947-0042)
- B. ADC Telecommunications, Inc., in the amount of \$82,829.74; overpayment of 2001 taxes.
(PID #2001-999-1881-0030)
- C. Wells Fargo Bank Texas, N.A. in the amount of \$1,345.63; overpayment of 2001 taxes.
(PID #B202-999-0840-0500)
- D. Mortgage Investors Corporation, in the amount of \$1,464.27; overpayment of 2001 taxes.
(PID #H791-003-0f090-0040)

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*Motion made, seconded and unanimously carried to allocate a portion of District 8 Discretionary Funds in the amount of \$250.00 to assist Project Bravo in their "Plant a Tree Initiative" as requested by Representative Cobos.

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*Motion made, seconded and unanimously carried to authorize \$100.00 to be allocated from Representative Rodriguez District 2 Discretionary Funds to Parks Department - Wellington Chew Senior Citizen Center to purchase three large hoses for the center's use.

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Motion made, seconded and unanimously carried to move to the Regular Agenda Change Order No. Nine (Construction Change) to the SamCorp Corporation for the "EPIA Terminal – La Placita Renovation Phase II" for an increased amount of \$26,944.50. To remove asbestos on concrete plaster at La Placita (PR ACM 07 A)

Representative Cook questioned Mr. Gonzalo Cedillos, Deputy Director of Engineering, regarding the asbestos removal.

Mr. Cedillos responded that the Public Works Department had performed an environmental assessment through an open-ended contract with Viva Environmental and asbestos in the ceiling had been detected; therefore, the additional monies were required to remove such material.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to approve Change Order No. Nine (Construction Change) to the SamCorp Corporation for the "EPIA Terminal – La Placita Renovation Phase II" for an increased amount of \$26,944.50. To remove asbestos on concrete plaster at La Placita (PR ACM 07 A)

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Motion made, seconded and unanimously carried to move to the Regular Agenda Bid No. 2002-113 Nations-Tobin Center & Park Improvements

Representative Cook noted that Nations Tobin Park was located in District 2; however, he would share his concerns, in addition to Representative Rodriguez. He noted that the voters of El Paso had approved the park improvements during the Quality of Life Bond issue, including renovations to Nations Tobin Park. He noted the base bid total was \$2.2 million, in addition to three of 19 proposed alternates. He asked Mr. Ed

Drusina, Director of Public Works, why the estimates were inadequate and would other Quality of Life/park improvement/Bond projects have similar outcomes.

Mr. Drusina responded that project scopes in the Parks Bond program did not precisely follow the cost estimates as planned; therefore, alternates were introduced to ensure maximizing the expenditures of available funds. He noted that 2nd and 3rd year projects were under review, in reference to project scopes, to ensure the project estimates were as close to the projected costs as possible. He noted that the project cost estimates were "conceptual" and that square footage costs had come from the Parks & Recreation, Zoo, History Museum and other City departments. He stated that in the case of the Nations Tobin project, quite a number of alternates were considered in the effort to award the bid. He explained that the contractor provided Health Insurance coverage for their employees.

Representative Cook remarked that during the Quality of Life Bond project voting, he had told his constituents that the pavement in the parking lot at Nations Tobin Park would be replaced and the road going through the park would be repaved; however, these two improvements are not taking place.

Mr. Drusina noted that roadway was very expensive; therefore, the Public Works Department would be considering more of a "maintenance approach" to include crack sealing and pot-hole patching for the roadway. He explained how the monies for the project would be disbursed.

Representative Cook questioned whether other Quality of Life projects would be under funded.

Mr. Drusina responded that, until the projects were awarded, he would not have the answer to that question.

Representative Sumrall questioned whether it would be possible to use bond monies from previously sold bonds for Capital Projects, to complete the other Quality of Life Park projects.

Mr. Charlie McNabb, Chief Administrative Officer, stated that Parks Engineers compiled the estimates for the park projects in 1998, based on the best available information at the time. He added that prices have changed due to higher wage rates, Best Value Procurement Bids requiring insurance, etc. He explained that other monies might be utilized if the monies have been authorized for the proper use.

Mr. Drusina interjected that for all the Parks projects, he was investigating leveraging funds from other programs in order to fund said projects.

Mr. McNabb added that the City had explained the projects would be 10-year projects due to the tax levy for Bond interest and market changes; additionally, he has asked Mr. Bill Chapman, Chief Financial Officer, to run another set of assumptions due to these market fluctuations, inflation, etc.

Representative Power remarked that the City does not run like a business should be run. He stated that he must now answer to his constituents due to mistakes in cost estimations and scopes. He questioned whether or not anything has been done in order to prevent future mistakes. He remarked that the City should create a database, constantly updated, based on the vendors used, allocate the resource to the database, so that each City Department would be able to make cost estimates based on real costs.

Mr. McNabb responded to Representative Power's question and stated that the City was currently trying to create such a database and added the City was investigating procuring software that would assist in cost estimates for projects.

Mr. Drusina noted that the architectural community works very closely with the engineering community and that databases have been utilized in the past; however, these databases were improving constantly.

Representative Cook commented that private enterprise could compile cost estimates as opposed to the City's Engineering Department.

Mr. McNabb added that the City was investigating the same consideration.

Mayor Raymond C. Caballero suggested Representative Power postpone his item on today's Agenda referencing discussion on the reorganization of City Departments, as one of the many issues in the reorganization plan would be to privatize certain Departments and/or areas of the Department.

Representative Cobos asked Mr. Bill Chapman, Chief Financial Officer, what percentage was the Engineering Department charging for the project.

Mr. Chapman responded between 3 and 5%.

Representative Cobos commented on the possibility of hiring an outside consultant and/or project manager under a Personal Services Contract.

Mr. Chapman replied that he would be reviewing all old Certificates of Obligation and old General Obligation funds in the hopes that the older funds could be used and reallocated to the Quality of Life projects.

Representative Cobos requested that prior to issuing new Certificates of Obligation, old CO's should be utilized first.

Mr. McNabb defended the City staff and reminded Council Members that the City has among the highest financial ratings for the City's efficiency, compared to other comparable cities and that El Paso was one of the only cities not struggling with huge deficits since September 11.

Representative Rodriguez cautioned Council Members regarding lack of funding for their Districts' park projects.

Mayor Caballero suggested delaying other park project discussions until after the budget hearing/reorganization meetings had been held.

Mr. Ray Gilbert, citizen, reminded Council Members that in April 2000, voters voted on \$141 million dollars worth of projects, which he opposed. He stated that Council Members made promises to the voters in order to pass the bonds and after two years the people haven't gotten anything. He asked the Mayor during his election to "outsource" all projects and questioned why the City had not outsourced and why wasn't the City building these projects right now. He stated "let's either get moving or get a new City Council".

Representative Cook asked to add alternate numbers nine, 10 and 16 to the Bid Award and explained that number nine was to add new park signs for an additional \$2,000.00; number 10 added to new baseball park rule signs for an additional \$1,500; and number 16 added crack sealing to the jogging park for an additional \$3,400.00. He noted that with these three alternates, additional costs would reflect \$6,900.00 more.

Mr. Drusina explained that the first year bond projects were either under construction, under bid or would be under bid in the next few weeks. He stated that the Bond Overview Advisory Committee had been holding public meetings in an attempt to provide information to the public, as well as the Public Works Department publicizing information in the newspaper.

Mr. McNabb reiterated that the projects had been set up to take 10 years for the financing issues, not for the amount of time needed for construction. He had asked Mr. Chapman to investigate whether the City should take a different course of action and/or whether the projects might be "outsourced".

Representative Cook added that Banes General Contractors, Inc., would still be considered the lowest bidder.

Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried to award Bid No. 2002-113 Nations-Tobin Center & Park Improvements, as revised to add Alternate Nos. 9, 10 and 16.

Contractor: Banes General Contractors, Inc.
El Paso, Texas
Department: Parks & Recreation

Funds Available:	31130550-PPW0046002-60014-508027
Funding Source:	2000 Quality of Life Bond Issue
Items:	Base Bid I \$2,236,300.00
	Base Bid I-A \$ 700.00
	Alternate No. 1 \$ 62,000.00
	Alternate No. 2 \$ 25,400.00
	Alternate No. 9 \$ 2,000.00
	Alternate No. 10 \$ 1,500.00
	Alternate No. 16 \$ 3,400.00
	Alternate No. 19 \$ 77,000.00
Total Award:	\$2,408,300.00

The Departments of Engineering, Parks & Recreation and Purchasing recommend the award of this contract as indicated to Banes General Contractors, Inc., as this Offeror has provided the Best Value Proposal.

It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

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*Motion made, seconded and unanimously carried to award Bid No. 2002-155 Dale Road Parkway Improvements

Contractor: A & R Contractors
El Paso, Texas

Department: Streets
Funds Available: 71150069-G7127CD0022-07646-508027
Funding Source: CD
Items: Base Bid I \$49,500.00
Total Award: \$49,500.00

The Departments of Purchasing, Engineering, and Streets recommend the award of this contract to A & R Contractors, the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2002-177 Library Book Binding

Award to: Houchen Bindery, Inc.
Utica, NE
Item (s): All
Amount: \$10,000.00 (estimated annually)

Department: El Paso Public Library
Funds available: 31130563-508039-PPW0056003YR2
Funding source: Book & Library Materials Bond Funds.
Total award: \$10,000.00

The El Paso Public Library and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a Requirements Type Contract with an initial term of Thirty-six (36) months.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2002-181 Taxco Road & Acapulco Road Parkway Improvements

Contractor: J. A. R. Concrete, Inc.
El Paso, Texas

Department: Streets
Funds Available: 71150069-G7127CD0029-07653-508027
Taxco Road
71150069-G7127CD0027-07651-508027
Acapulco Road
Funding Source: CD
Items: Base Bid I \$ 7,826.00
Alternate No. 1B \$ 3,550.00
Base Bid 2 \$ 7,280.00
Alternate No. 2B \$ 3,552.00
Total Award: \$22,208.00

The Departments of Purchasing, Engineering, and Streets recommend the award of this contract to J. A. R. Concrete, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

*Motion made, seconded and unanimously carried to postpone one (1) week Bid No. 2002-122 Veterans Pool Roof Reconstruction & Mechanical Improvements

Contractor: Silverton Construction Company, Inc.
El Paso, Texas
Department: Parks
Funds Available: 31135001-P501543-27121-508027
Funding Source: FY 1998 CO's
Items: Base Bid I \$876,000.00
Total Award: \$876,000.00

The Departments of Purchasing, Engineering, and Parks and Recreation recommend the award of this contract to Silverton Construction Company, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2002-820 AIRPORT
Transfer of funds to cover temporary services for those working on the Continental Drive Project through the rest of the year.

Increase	\$18,000	to	62620011/40101/502001	Temp Servs
Increase	\$35,000	to	62620013/40101/502001	Temp Servs
Decrease	\$53,000	from	62620001/40101/504405	Contingency

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2002-854 AIRPORT
Transfer of funds to acquire inventory/work order control system to include training and set-up.

Increase	\$65,100	to	62620020/P50000441022/508010	Data Proc Eq
Increase	\$65,100	to	62620020/P50000441022/407001	Intrfd Trf In
Increase	\$65,100	to	62620018/P50000241021/407002	Est Rev
Increase	\$65,100	to	62620018/P50000241021/507001	IntrfdTrf Out

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2002-882 AIRPORT
Transfer of funds to cover expanded scope of Airway Landscaping Project to include area south of Boeing and West of Convair.

Increase	\$125,000	to	62620020/PAP002041056/508027	Construction
Increase	\$125,000	to	62620020/PAP002041056/407001	Intrfd Trf In
Increase	\$125,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$125,000	to	62620018/P50000241021/507001	Intrf Trf Out

.....
*Motion made, seconded and unanimously carried to approve the request of International Aids Empowerment to hold a parade/candlelight vigil on August 25, 2002 from 9:00 p.m. to 10:30 p.m. Route: Start at 216 S. Ochoa to Paisano, Paisano to Stanton, Stanton to the International Bridge, meeting at the U.S. - Mexico boundary with Juarez participants. Approximately 100 persons and 2 vehicles will take part.
PERMIT NO. 02-083
.....

*Motion made, seconded and unanimously carried to approve the request of Child Crisis Center of El Paso to hold a foot race (5k) on October 6, 2002 from 7:00 a.m. to 11:00 a.m. Route: Start at 1300 Hardaway, proceed on Hardaway, Bliss, Radford, Leeds, Hawley, Post, Howze, Timberwolf, Cumberland, Radford, Cumberland, Graham, Raynolds, Clifton, Radford, Trowbridge, Hardaway and end at 1300 Hardaway. Approximately 750 persons and one pace car will take part. This request includes permission to use amplification (microphone & speakers). PERMIT NO. 02-084

.....
*Motion made, seconded and unanimously carried to approve the request of Monte Horeb to hold a parade for Bible summer school on July 21, 2002 from 5:00 p.m. to 6:00 p.m. Route: Start at Magoffin and Eucalyptus, proceed on Magoffin, left on Palm, left on Bassett, right on Walnut and end at Walnut and Texas. Approximately 40 persons and 3 vehicles will take part and 100 spectators are anticipated. This request includes permission to use amplification (power horn). PERMIT NO. 02-085

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*Motion made, seconded and unanimously carried to approve the request of Texas State Employees Union to use amplification (1 or 2 microphones) at Album Park on July 18, 2002 from 5:30 p.m. to 7:30 p.m. Approximately 10 persons will use amplification and 1,000 spectators are anticipated. PERMIT NO. 02-086

.....
*Motion made, seconded and unanimously carried to approve the request of Angel Pacheco to use amplification (2 amplifiers; 3 microphones, 4 guitars; drum set - 3,000 watts) at Album Park on July 21, 2002 from 6:00 p.m. to 9:00 p.m. Approximately 15 persons will use amplification and 100 spectators are anticipated. PERMIT NO. 02-089

.....
ORDINANCE 15145

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING LOURDES JUAREZ TO USE A PORTION OF EASTWOOD ALBUM PARK FROM 4:00 PM UNTIL 8:00 PM ON JULY 20, 2002**

There being no public comment, the vote was taken.

Motion duly made by Representative Power, seconded by Representative Sumrall that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15146

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING WESTSIDE COMMUNITY CHURCH TO USE A PORTION OF PARK HILLS PARK FROM 5:00 PM UNTIL 9:00 PM ON JULY 19, 2002**

There being no public comment, the vote was taken.

Motion duly made by Representative Sumrall, seconded by Representative Medina that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.08 (Administration and Enforcement), to delete Section 12.08.130 (Meter Maids), and Chapter 12.56 (Parking Meters), Section 12.56.010 (Designation-Use) to amend authority of Traffic Engineer to establish location of Metered Parking Spaces, amending applicability of funds; granting authority to Deputy Director of Street Department to install and maintain Parking Meters and set Parking Fees; amend exemptions; provide for use of Parking Meter Fee Debit Card; and Chapter 12.88 (Schedules), Section 12.88.130 (Schedule XI—Parking Meter Zones) to eliminate established Zones and Exemptions.

.....
Motion made by Representative Escobar, seconded by Representative Medina and unanimously carried to postpone two (2) weeks an Ordinance changing the zoning of Lot 18, Block 1, LOWER VALLEY MOBILE HOME ADDITION, REPLAT 'A', El Paso, El Paso County, Texas (403 Joseph Street) from R-1 (Residential) to A-M (Apartment-Mobile Home Park). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant/Representative: D.C. Phan, 11705 Gwen Evans Ln., El Paso, TX 79936. ZC-02009. Representative Cobos was not present for the vote.

Representative Escobar questioned whether Ms. Patricia Adatao, Director of Planning, Research and Development, had received opposition to the zoning change case.

Ms. Adatao pointed out that the request submitted by the applicant was initially RMH of which the DCC (Development Coordinating Committee) and CPC (City Plan Commission) had favorably recommended. She added the applicant amended the application to A-M, for which the DCC recommended approval, but CPC denied the A-M zoning change. She noted that the applicant had not submitted a Detailed Site Development Plan as of yet. She added that the Planning Department had not received letters in opposition or in support of the zoning change.

Representative Cook questioned why the CPC rejected the A-M zoning request.

Ms. Adatao then explained the CPC had rejected the A-M zoning due to the site being designated as residential and the zoning surrounding the site was either Ranch Farm or R-1, light residential. She added that A-M also permits multi-family housing and a mobile home park was the leasing of mobile home spaces versus a residential mobile home subdivision where lots were sold prior to installation of mobile homes. She noted that the applicant was present if Council Members wanted to ask questions to him.

.....
*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 2801 Harrison Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of record as of April 29th, 2002, Isela M. Bernal, 8300 Mt. Whitney Dr., El Paso, Texas 79904, has been notified of the violations at this property. There are \$10,978.25 back taxes owed as of May 1, 2002 and a suit is pending.

RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at **4908 Hercules Ave.**, in El Paso, Texas, which property is more particularly described as follows:

Tract 47, Sunrise Acres # 2

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, **The Estate of Andres H. Bernal** record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on **June 18th** which was postponed until July 16th, 2002; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. That the structure can be repaired.
2. That the City Council hereby orders Owners to comply with the following requirements:
 - a. That plans for the structure's rehabilitation be submitted and permits obtained within (30) days or vacate and secure the structures until rehabilitated; and
 - b. That the property be fenced with a six foot fence within a day after the structure is vacated & secured; and
 - c. That the premises be cleaned of all weeds trash and debris, within 30 days; and
 - d. That a public hearing be scheduled for **September 10, 2002**, in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and
 - e. That the Owners of said Buildings are hereby ordered to comply with all requirements of the Resolution; and
 - f. The Owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes; and
 - g. That upon failure of the Owners to comply with this Resolution, any mortgages, Lienholder, and other persons having an interest in the property submit plans and obtain permits for the structures rehabilitation or vacate and secure the premises.

3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall secure the Buildings and maintain the Buildings secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
4. That said Owners shall become personally liable for all costs incurred by City in connection with securing and maintaining the Buildings secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with securing the Buildings and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Representative Sumrall questioned how the taxes had accumulated to an amount of \$63,000.00 without the City filing suit.

WHEREAS, no one appeared

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council, having heard the evidence, makes the following findings:
 - a. That the Owner of said property, **The Estate of Facundo Rivera**, was notified of the requirements of Section 18.52.040 and of their need to comply with these requirements as they relate to their property; and
 - b. That after notification, the Owner committed an act in violation of Section 18.52.040 or failed to take an action necessary for compliance with 18.52.040, specifically; the Owner failed to secure the Building, and clean the premises of all weeds, trash and debris within 30 days after **May 14th, 2002** that is, on or before **June 19th, 2002**; and
 - c. That the Owner has failed to comply with the Order each day from **June 19th, 2002** through **July 16th, 2002**, a total of **27** days; and
 - d. That the property which is subject to the Order is not the Owner's homestead; and
 - e. That the City Council can assess a civil penalty against the Owner in an amount not to exceed \$1,000.00 a day for each violation, a total of **\$27,000**.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the Owner is hereby assessed the following civil penalties: **\$100.00** a day for each of the **27** days during which the City Council Order of **May 21st, 2002** was not complied with; for a total of **\$2,700.00**.
2. That the City Clerk file a certified copy of this Order with the District Clerk of the County of El Paso; and
3. That the Owner is hereby placed on notice that continuing failure to comply with the City Council's Order to secure the Building and clean the premises of all weeds, trash, and debris may result in additional penalties.

Mr. Thomas Maguire, Building Services Department, presented case to Council Members and gave the department's recommendation(s).

Representative Cook questioned whether Mr. Maguire was able to contact heirs of the estate.

Mr. Maguire responded the owner had retained local counsel and the Building Services Department was informed that the property would be boarded and secured; however, as of today's date the property was not boarded and secured.

Motion made Representative Rodriguez, seconded by Representative Sumrall and unanimously carried to approve the above Order.

.....
Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to reject the bids submitted for Bid No. 2002-164, Hydraulic Tools for the Street Department for the following reasons: The low, responsive, responsible offer was submitted by Power and Telephone Supply Company of Stockdale, TX. The Purchasing Department was later advised by this bidder that the company had been bought out by Utilicor since submitting his offer. The award cannot be made to the new firm and the signer

of the bid no longer exists and, therefore, it is recommended by the Purchasing and Street Departments that bids are rejected and this item re-bid.

Department: Street Department

.....
Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried to move Item #20 to executive session to consult with City Attorney regarding ongoing code violations at 4806 Titanic. (Representative Cook)

Representative Cook provided a PowerPoint presentation referencing 4806 Titanic and discussed the condition of said property. He suggested the City clean the property, sell the cinder blocks to McKinney Wrecking and sell the metal to a salvage yard in order to alleviate some of the cost of cleaning up the property.

Mayor Raymond C. Caballero commended Representatives Cook and Rodriguez for bringing the property to the attention of the Council Members. He explained that Representative Rodriguez spends many Saturdays assisting her constituents in cleaning up their neighborhoods. He proposed the following: 1. the Legal Department review the current statutory laws in reference to TML; 2. the Legal Department investigate ways to reimburse the City in a more timely manner and include adding penalties, etc.; 3. next budget cycle, an additional \$10,000.00 per district to allow for clean up of Districts.

Representative Cook asked to have the City Department(s) clean up the property.

Ms. Rita Rodriguez, City Attorney, remarked that the Legal Department would offer some remedy(ies) at a future date.

Mayor Caballero questioned Mr. Terry Williams, Deputy Director of Building Services, whether he would need some type of Council Member action in order to clean the property.

Mr. Williams responded that in a previous Council administration it was decided that Building Services Department would no longer clean up properties but pursue the property owner through the court system and/or other means.

Representative Cook stated that it was costing the neighborhood its quality of life and it was the Council Members' responsibility to ensure that the neighbors not have to live next door to such a property. He moved to direct Building Services and Solid Waste Management to clean the property, Representative Cobos seconded.

Representative Sariñana spoke up and stated he was concerned whether the property owner would counter sue the City.

Ms. Rodriguez interjected that she would like to refer the item to Executive Session for consultation.

Representative Cook moved the item to Executive Session for legal counsel, Representative Rodriguez seconded.

Mr. Williams noted that the County Attorney had filed suit with pending action to be heard in September. He noted that Mr. Reyes would be charged with a Class A Misdemeanor, fine of up to \$4,000.00 and a year in jail.

.....
Motion made by Representative Power, seconded by Representative Sumrall and unanimously carried to delete the discussion and action on the new proposed reorganizational plan for the City, highlighting concerns regarding services, maintenance and daily operations. (Representative Power)

Representative Power explained he placed the item on City Council Agenda due to his concern that Council Members may or may not have adequate time to critique the reorganizational plan prior to the budget hearing meetings. He remarked that last Friday he was notified that other public meetings would be taking place and would therefore request the item be postponed. He later rescinded the Motion to postpone and requested that the item be deleted.

Ms. Theresa Caballero, citizen, asked to speak on the item.

Representative Power interjected and explained that meetings would be held next week and invited Ms. Caballero to attend the meeting next week.

.....
Motion made by Representative Sumrall, seconded by Representative Sariñana and unanimously carried to refer to the Public Utility Regulation Board the Southern Union gas rate request case upon filing of request by Southern Union Gas. (Lisa Turner)

Ms. Lisa Turner, citizen, remarked that an item had been placed on the June 4, 2002 City Council Agenda referencing Southern Union Gas' ("SUG") Confidentiality Agreement not divulging information during the negotiation process. She requested Council Members reconsider that and stated she thought that information should be open to the public. She added that Southern Union Gas did not deserve a price hike and quoted information from Southern Union Gas' "8-K – Exhibit 99A, filed May 1, 2002" filed with the Securities and Exchange Commission on May 1, 2002. She questioned why a company, experiencing record earnings, would request a rate increase and wondered whether the price hike was in reference to SUG loaning \$4 million dollars to one of its executives. She noted that while SUG was shutting off service to El Pasoans for non-payment of their bills the company forgave a \$201,146.00 loan to an executive. She stated that in January of 2002, another loan was given to a SUG Board Member for \$308,000.00 and questioned why the ratepayers had to pay for the company's private airplane. She remarked that ratepayers should not be supporting loans and/or private planes for SUG's Board Members and the City should not give a price increase to Southern Union Gas. She added that SUG had eliminated \$50 million dollars worth of inefficiencies, which the ratepayers had been paying for and stated that the ratepayers should be entitled to a portion of that \$50 million dollars, namely 20%. Additionally, she stated ratepayers should demand a \$10 million dollar rate reduction.

Representative Sumrall stated that Ms. Turner's allegations were very enlightening.

Mr. Norman Gordon, attorney, responded to Ms. Turner's comments and explained that the Confidentially Agreement was to allow the City to look at items of which SUG would be entitled to keep confidential such as specific customer usage data and salary information for employees, not to include officers, top officers nor directors of the corporation. He stated that information would be available, in aggregate. He stated that the process was started in April and the expectation then was that SUG would file their case in May sometime; however, SUG was not yet ready to file. He explained that due to SUG not yet filing its case, he had not negotiated with them as to specifics in the rates as these negotiations would occur following the filing of the case. He stated that prior to Council taking action on the matter, a public hearing would be held. He stated that as far as executive packages, loans and airplane expenses, he was very sensitive to these issues and would be looking into these matters.

Representative Sumrall suggested the issue be sent to the PURB (Public Utility Regulation Board) for further discussion.

Mr. Gordon was agreeable to the suggestion made by Representative Sumrall.

Representative Cobos asked Mr. Gordon if he would provide copies of SUG's 8-K and the 14A, for each Council Member.

Mr. Gordon stated he would provide documents for Council Members and added that, in his opinion, it was not appropriate to charge ratepayers for loans to executives; however, he would ensure that those types of costs were not included in the case.

Representative Sariñana questioned the dormancy of the PURB and the membership.

Representative Sumrall noted that the Board Members of the PURB would meet when utility companies were considering increasing rates.

Mr. Leopoldo E. Sierra, citizen, suggested the utility company create a position whereby an employee would be made available to assist the elderly, such as his mother, low-income and other individuals, rather than computer-operated telephone systems.

Representative Sumrall commented that, in her opinion, Mr. Sierra would not expect ratepayers to subsidize his mother's utility bills.

Mr. Ray Gilbert, citizen, was happy to hear the item would be heard before the PURB as this Board had been ignored for some time. He asked that discussion regarding all utilities be heard before the PURB prior to coming before Council Members for a vote.

.....
Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to direct the Mayor Pro Tem to conduct a Legislative Meeting of the Whole after budget sessions to discuss the Sexually Oriented Business Ordinance. (Elizabeth Branham)

Representative Sumrall remarked that she had been concerned regarding the status of the Sexually Oriented Business Ordinance for some time and questioned whether these types of businesses were ADA compliant; as her office had received complaints they were not.

Mr. Roger O'Dell, Model Cities El Paso, explained that the passage of the Sexually Oriented Business Ordinance would help make El Paso a more family friendly city and possibly, an All American Community. He asked Council Members to read his recommendations and to refer the Sexually Oriented Business ordinance to the Committee of the Whole meeting for discussion. He requested Model Cities El Paso and Citizens for Community Values be present at the Committee of the Whole meeting.

Representative Sumrall was in favor of Mr. O'Dell's suggestion of convening a Committee of the Whole meeting; however, due to the budget hearing meetings, she asked that the Committee of the Whole meeting be held in the next couple of weeks.

Representative Medina remarked that his office coordinates the Committee of the Whole meetings and would schedule this meeting for as soon as possible following the Budget Hearing meetings.

Mr. O'Dell responded that his group would be willing to wait for a couple of weeks; however, their patience was slowly running thin.

Ms. Rita Rodriguez, City Attorney, noted that the Sexually Oriented Business Ordinance had not been "lost in the catacombs of the City Attorney's office" as stated by Mr. O'Dell, and added that the Department was ready to proceed.

Mayor Raymond C. Caballero suggested scheduling the Committee Meeting of the Whole after August 12, 2002.

Ms. Elizabeth Branham, Model Cities El Paso, remarked that it had been 2 ½ years since she had addressed the BZAC (Building and Zoning Advisory Committee) as to the importance of moving forward with a new Sexually Oriented Business Ordinance and she encouraged Council Members to move forward.

She requested the Committee Meeting of the Whole be scheduled in the evening as many individuals who would like to attend would not be available during working hours. She requested a copy of the current "working" Sexually Oriented Business Ordinance.

Ms. Rodriguez responded the Attorney General had advised that the City did not have to release the document(s) until the next proposed legislation. She explained that scheduling the Committee Meeting of the Whole would be beneficial to all concerned parties.

Mr. O'Dell interjected that the National Law Center, Washington, D.C. has offered to assist the City of El Paso, if necessary all the way to the Supreme Court, if the City would adopt the Ordinance as currently written. He encouraged Council Members to act swiftly regarding the Ordinance.

.....
*Motion made, seconded and unanimously carried to postpone two (2) weeks the discussion on public health. (Anita Blair)

.....
No action was taken regarding the clarification/action on what criteria Mr. Caballero guides himself with to conduct Council business, limiting the number of persons choosing the one he will allow to speak, I think he is using a dual standard. (Leopoldo Sierra)

Mr. Leopoldo Sierra, citizen, referred to a Resolution adopted by Council on June 12, 2001. He read into the record the following: "any citizen of El Paso should have a reasonable opportunity to be heard at all public hearings of the City Council". He stated that the Mayor had infringed on his civil rights and that he had the right to address the Council. He referred to a meeting held at "San Juan" and stated that Mayor had "thrown him a gorilla to keep him from speaking". He asked Mayor Raymond C. Caballero whether he would abide by the Resolution or allow a select few individuals to speak.

Mayor Caballero questioned Mr. Sierra as to the number of times he had come before Council Members to speak.

Mr. Sierra responded "quite a few" and noted that he would continue to speak before Council as the need arises. He added that the number of times he had come before Council was not the issue, the issue was the number of times the Mayor had "done wrong" and that it was his duty to bring these issues to the Mayor's attention.

.....
No action was taken regarding the discussion on the right of citizens to speak to Council about public policy and government action without being censored and/or shut down. (Theresa Caballero)

Ms. Theresa Caballero, citizen, noted that she had stepped up to the podium to address Council Members on two previous occasions, just this morning. She remarked that the right of every citizen to address Council Members or any governmental institution was enshrined in the Constitution. She quoted the following individuals: Voltaire, James Madison, Thomas Jefferson and Justice William O. Douglas Re: "New York Times v. United States - Pentagon Papers" following each quote Ms. Caballero added comments.

Mr. John Roybal, citizen, agreed with Ms. Caballero's comment and stated that he had the right to speak and be heard before the City Council. He added that if his voice were to be heard, he would like to be taken seriously.

Representative Power remarked that he had concerns regarding the reorganization of the City Departments; however, he deleted his item on today's agenda due to the meeting schedule Thursday evening. He invited Mr. Roybal and all interested parties to attend the Thursday evening meeting and to bring their concerns/remarks.

Mayor Raymond C. Caballero questioned Mr. Roybal whether he had ever been denied the opportunity to speak before Council Members on any previous occasion.

Mr. Roybal responded that five years ago he came before Council Members to receive an award for "Fire Dispatcher of the Year" and expressed his interest on talking about the reorganizational plan.

Mayor Caballero remarked that he had not seen Mr. Roybal prior to today's Council meeting and explained that the reorganization item discussion had been deleted, not to discourage the public from speaking, but rather to grant citizens as much opportunity to speak on the reorganization plan as necessary. He added that, as stated in the Resolution of June 12, 2001, in order to conduct Council meetings with decorum and professionalism, time restrictions must be adhered to due to the length of items on City Council Agendas. He thanked Mr. Roybal for attending today's Council meeting and encouraged Mr. Roybal to attend Thursday evening's meeting. Mayor Caballero referred to Ms. Lisa Turner, citizen, as the only member of the public who routinely makes every effort to attend City Council and Budget Hearing meetings, in addition to placing items on the Agendas for discussion and/or action.

Representative Cook explained that individuals should be given every opportunity to speak before Council Members even though individual(s) speak negatively.

Ms. Rita Rodriguez, City Attorney, clarified that there was no absolute right for the public to speak on every item on the Agenda. She continued to explain that a public meeting was an opportunity for the public to be present while the "body" deliberated. She remarked that rules, statutes and Ordinances provide that the public be allowed to comment at public hearings; however, City Council adopted a rule stating, "that for public hearings the presiding officer may limit the amount of time that public individuals may speak as to the public hearing matters". She agreed that Council was very generous regarding allowing the public to make comments; however, she reiterated that there was no absolute right for the public to speak on every agenda item.

Ms. Lisa Turner, citizen, explained that the podium microphone had twice been turned off while she was speaking; however, on one occasion the microphone had been turned off due to another individual; therefore, she was denied the opportunity to make comment. She remarked that citizens should show due respect before Council Members.

Mr. Ray Gilbert, citizen, agreed with Ms. Rita Rodriguez, City Attorney, as there exists no law stating Council Members must allow citizens to speak at regular Council meetings; however, during public hearings the citizens are allowed to comment. He noted that the Attorney General had admonished Council whereas the rules had changed for certain individuals regarding the allotted speaking time. He explained he had come to today's Council meeting to speak on the Public Service Board presentation by Mr. Archuleta and that he was not given the opportunity to make comments.

Mayor Caballero suggested Mr. Gilbert attend the Legislative meeting during which discussions would be held regarding annexation, infill and the issue of land use planning. He clarified that the item referencing the Public Service was a "report" by the director and not for discussion and/or action.

Representative Cobos stated that Mayor Caballero spoke for approximately 20 minutes following Mr. Archuleta's presentation and that other Council Members, as well as, the public, had wished to make statements. He stated that he was an elected official and had been "cut off" from speaking on numerous occasions.

.....
Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing, as revised:

- A.** An Ordinance permitting Veronica Valverde to use a portion of Memorial Park from 4:00 PM until 8:00 PM on August 3, 2002 for a birthday party. Fee: \$130.00
- B.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code), by deleting Section 18.02.105 (Board of Appeals) entirely. The penalty being as provided in Section 18.02.107 of the El Paso City Code.

NOTE: Ordinance was revised to read "Title 18" as opposed to "Title 8" as listed on the Agenda.

- C.** An Ordinance amending Title 2 (Administration and Personnel), by adding a new Chapter 2.36 (Development Board of Appeals), to establish a new board of appeals for subdivision and development issues.
- D.** An Ordinance amending Title 2 (Administration and Personnel), by adding a new Chapter 2.30 (Building Board of Appeals), to relocate the requirements for the Building Board of Appeals from Chapter 18.02 (Building and Construction Administrative Code) and to make minor changes to the board.
- E.** An Ordinance amending Title 2 (Administration and Personnel), by adding a new Chapter 2.32 (Plumbing and HVAC Board of Appeals), to relocate the requirements for the Plumbing and HVAC Board of Appeals from Chapter 18.02 (Building and Construction Administrative Code) and to make minor changes to the board.
- F.** An Ordinance amending Title 2 (Administration and Personnel), by adding a new Chapter 2.34 (Electrical Board of Appeals), to relocate the requirements for the Electrical Board of Appeals from Chapter 18.02 (Building and Construction Administrative Code) and to make minor changes to the board.
- G.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management), Section 9.04.030 (Definitions) of the El Paso Municipal Code, to define side yard; Section 9.04.060 (Container Location), of the El Paso Municipal Code, to more clearly prohibit placement of containers in the front yard on non-collection days and provide guidelines for placement of containers intended for alley pick-up service. The penalty being as provided in Section 9.04.390 of the El Paso Municipal Code.
- H.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.109.1.8 (TAS Plan Review Fees) to amend the TAS Plan Review fees. The penalty being as provided in Section 18.02.107 of the El Paso City Code.

NOTE: Ordinance was revised to read "Title 18" as opposed to "Title 8" as listed on the Agenda.

- I.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code), by amending Section 9.52.030 (Chapter 1, Administration-Amended), Paragraph N to Modify Section 108.1 (Board of Appeals) to reference Chapter 2.30 (Building Board of Appeals). The penalty being as provided in Section 9.52.030 of the El Paso Municipal Code.
- J.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), by adding Section 18.08.285 to amend the International Building Code Section 2902.2 (Separate Facilities) by adding a new Exception No. 4. The penalty being as provided in Section 18.02.107 of the El Paso City Code.

- K. An Ordinance amending Title 18 (Building and Construction), Chapter 18.10 (Residential Code), by amending Section 18.10.080 that modified the International Energy Conservation Code. The penalty being as provided in Section 18.02.107 of the El Paso City Code.
- L. An Ordinance amending Ordinance Nos. 15006, 12909, 12141, and 10739, to revise the fee schedule and overdue fines charged by the El Paso Public Library.

PUBLIC HEARING WILL BE HELD ON JULY 30, 2002 FOR ITEMS A – L

- M. An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, Chapter 20.44 (C-5 Central Business District), by amending Section 20.44.090 (Off-street parking and loading standards) to clarify that an automatic reduction of fifty percent of the off-street parking requirement is applied to all uses, and that other provisions of Chapter 20.64 (Off-street parking and loading requirements) shall also apply to properties within a C-5 district. The penalty being as provided in Section 20.68.010 of the Code.

PUBLIC HEARING WILL BE HELD ON AUGUST 6, 2002 FOR ITEM M

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

ADDITION TO THE AGENDA

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Agreement by and between the City of El Paso, in its capacity as the designated Metropolitan Planning Organization for the El Paso Urban Transportation Study Area, and New Mexico State University ("NMSU"), wherein NMSU will provide GIS support to the Metropolitan Planning Organization. The total contract cost not to exceed \$21,905.00.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a "Host Agency Agreement" with Project AYUDA, a Senior Community Service Employment Program, which will provide part-time job training opportunities in City Parks and Recreation facilities for low-income elderly, from July 1, 2002 through June 30, 2003.

*Motion made, seconded and unanimously carried to appoint Lance E. Ruck to the Civil Service Commission to fill unexpired term as requested by Representative Cobos.

*Motion made, seconded and unanimously carried that \$250.00 be allocated from Representative Rodriguez District 2 Discretionary Funds to the Street Department to assist with street cleaning after Halloween Party on October 26, 2002.

*Motion made, seconded and unanimously carried to appoint Roberto Guerra to the Revolving Loan Fund Board by Mayor Raymond C. Caballero.

Motion made by Representative Sariñana, seconded by Representative Power and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

- A. Rafael Navarrette, 02-A-002 (551.071)
- B. Jamie Barron, 02-C-026 (551.071)
- C. EEOC determination reference Charge number 61 A1 0096, Sylvia Aguilar.
- D. Leon Schydlower vs. City of El Paso; Cause No. 2002-2021, Our File No. 02-S-21. (551.071)
- E. Discussion and action regarding ongoing code violations at 4806 Titanic. (Representative Cook) (551.071)

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

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Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney be **AUTHORIZED TO SIGN RELEASE OF LIEN** in the claim entitled **RAFAEL NAVARRETTE; Our File No. 02-A-002**, as recommended by the City Attorney.

Representative Rodriguez was not present for the vote.

.....
Motion made by Representative Medina, seconded by Representative Sumrall and carried that the claim entitled **JAMIE BARRON**; Our File No. 02-C-026 be **DENIED** as recommended by the City Attorney.

Representative Rodriguez was not present for the vote.

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No action was taken regarding EEOC determination reference Charge number 61 A1 0096, Sylvia Aguilar.

.....
No action was taken regarding Leon Schydlower vs. City of El Paso; Cause No. 2002-2021, Our File No. 02-S-21. (551.071)

.....
Ms. Theresa Caballero, citizen, commented on Executive Session Section 551.072 – Deliberation Regarding Real Property.

Ms. Rita Rodriguez, City Attorney, remarked that there were no items listed on today's City Council Agenda which Executive Session Section 551.072 – Deliberation Regarding Real Property would apply to. She noted that the listed Sections were the reasons why Council Members could retire into Executive Session.

Ms. Caballero remarked that according to the rules of the Open Meetings Act, certain issues could be discussed during Executive Session; however, the public needed adequate notice as to what issues would be discussed, without violating what was discussed during Executive Session. She mentioned that deliberation regarding real property did not meet that criteria and questioned whether the property was to be seized, purchased or the sale of the property.

Representative Cook tried explaining to Ms. Caballero how the Executive Session items were listed on the Agenda.

Ms. Caballero asked that the public be provided more information than "Deliberation Regarding Real Property" and stated that the agenda must state "Deliberation Regarding Purchase of Real Property or Sale".

Representative Cook responded that if an item were placed under Executive Session the appropriate notation would be noted.

Ms. Caballero stated that Representative Cobos had brought to her attention, the agenda would list two pieces of property; however, during Executive Session deliberations, three pieces of property were discussed. She cautioned Council Members to be more aware of how Executive Session items were listed on the agenda.

.....
Motion made by Representative Medina, seconded by Representative Power and unanimously carried to adjourn this meeting at 12:53 p.m.

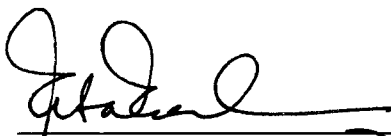
.....
Representative Cook requested that Council reconvene the meeting to discuss 4806 Titanic. Representative Sariñana moved to reconsider the adjournment. Ms. Rita Rodriguez, City Attorney, explained that the meeting had been adjourned. Representative Cook then noted that he would provide direction for the Building Services Department regarding 4806 Titanic.
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APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Richarda Duffy Momsen, City Clerk



Rita Rodriguez, City Attorney